

# RCE
JFWMS RCE
PATENT
2907-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NIEBOER et al Conf.: 5065
Appl. No.: 09/624,076 Group: 3624
Filed: July 24, 2000 Examiner: PATEL, J.
For: DOUBLE DUTCH AUCTION FOR ESTABLISHMENT
AND MINIMIZATION OF SALES PRICE OF
GENERIC FUNGIBLE ITEMS

REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114

MS RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

12 AHB
August 16, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

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01 FC:2801
02 FC:2253385.00 OP
475.00 OP

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- ☒ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ The enclosed document is being transmitted via facsimile.
- ☒ Submission Required under 37 C.F.R. § 1.114:

Enter as part of the present submission:

- ☒ An After Final Amendment previously filed on , under 37 C.F.R. § 1.116 but unentered, in the present application.
- ☐ Arguments in the Appeal Brief or Reply Brief previously filed on .
- ☐ A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

| | TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR | TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH | NUMBER <u>EXTRA</u> | Large Entity | | Small Entity | |
|--|--|--|------------------------|--------------|-----|--------------|-----|
| | | | | Rate | Fee | Rate | Fee |
| Total Claims | 24 | 24 = | 0 | X 18 | \$ | X 9 | \$ |
| Independent Claims | 3 | 1 = | 0 | X 84 | \$ | X 42 | \$ |
| <input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM | | | | 280 | \$ | 140 | \$ |
| TOTAL CLAIM FEE(S) | | | | | | \$0.00 | |

- ☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.
- ☐ Other:
- ☐ Miscellaneous
- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of () months. (Period of suspension shall not exceed 3 months.)

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☒ **Fees**

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

- ☒ \$385.00 - small entity
☐ \$770.00 - large entity

- ☐ The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$475.00 is required for the full period of the above-requested extension of time.

☐ An extension of () month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) extension.

- ☐ The fee of \$130.00 under 37 C.F.R. § 1.17(d) for suspension of action is enclosed.

☒ Enclosed is(are) check(s) in the total amount of \$860.00 for the applicable filing fee, additional claims fee, suspension fee, and/or extension fees.

- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By Anthony Laws Birch
Anthony Laws Birch
Reg. No. 26,122

6915 Barrett Lane
Bethesda, MD 20814
(301) 652-6647

ALB/bb
2907-0102P

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| Certificate of Transmission |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: |
| Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22202 |
| Signature: <u>Anthony Laws Birch</u> |
| Printed Name: <u>Anthony L. Birch</u> |
| Date: <u>August 16, 2004</u> <u>ALB</u> |

attachments

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(Rev. 04/30/03)